PART IV - REPRESENTATION AND INSTRUCTIONS

SECTION K: REPRESENTATION, CERTIFICATION AND OTHER STATEMENTS OF OFFERORS

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SECTION K: REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS

K.1 <u>FAR 52.203-2, CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)</u>

- (a) The offeror certifies that --
- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit and offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the offeror to induce any other concern to submit an offer for the purpose of restricting competition.
- (b) Each signature on the offer is considered to be a certification by the signatory that the signatory --
- (1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
 - (2) (i) Has been authorized in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision

[insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization];

- (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision; and
- (iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision.
- (c) If the Offeror deletes or modifies subparagraph (a)(2) above, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

K.2 <u>FAR 52.203-11, CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO</u> INFLUENCE CERTAIN FEDERAL TRANSACTIONS (APR 1991)

- (a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.
- (b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge that on or after December 23, 1989, that--
- (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;
- (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and
- (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

K.3 FAR 52.204-3, TAXPAYER IDENTIFICATION (OCT 1998)

(a) Definitions.

"Common parent," as used in this solicitation provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

"Taxpayer Identification Number (TIN)," as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

- (b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. If the resulting contract is subject to the reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.
- (c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

	(d)	Taxpayer Identification Number (TIN).
		[] TIN:
		[] TIN: [] TIN has been applied for.
		[] TIN is not required because:
		[] Offeror is a nonresident alien, foreign corporation, or foreign partnership that
	does	not have income effectively connected with the conduct of a trade or business in the
		d States and does not have an office or place of business or a fiscal paying agent in the
		ed States;
		[] Offeror is an agency or instrumentality of a foreign government;
		[] Offeror is an agency or instrumentality of a Federal Government;
		[] Other. State basis
	(e)	Type of organization.
		[] Sole proprietorship;
		[] Partnership;
		[] Corporate entity (not tax-exempt):
		[] Corporate entity (tax-exempt):
		[] Government entity (Federal, State, or local);
		[] Foreign government;
		[] International organization per 26 CFR 1.6049-4;
		[] Other
	(f)	Common Parent.
		[] Offeror is not owned or controlled by a common parent as defined in paragraph
	(a) of	this provision.
		[] Name and TIN of common parent:
		Name
N		

K.4 <u>DFARS 252.204-7001, COMMERCIAL AND GOVERNMENT ENTITY (CAGE) CODE</u> <u>REPORTING (DEC 1991)</u>

- (a) The Offeror is requested to enter its CAGE code on its offer in the block with its name and address. The CAGE code entered must be for the name and address. Enter CAGE before the number
- (b) If the Offer does not have a CAGE code, it may request the Contracting Officer to request one from Defense Logistics Services Center (DLSC). The Contracting Officer will --
- (1) Ask the Contractor to complete section B of DD Form 2051, Request of Assignment of a Commercial and Government Entity (CAGE) Code:
 - (2) Complete section A and forward the form to DLSC; and
 - (3) Notify the Contractor of its assigned CAGE code.
 - (c) Do not delay the submission of the offer pending receipt of a CAGE code.

K.5 <u>FAR 52.209-5, CERTIFICATION REGARDING DEBARMENT, SUSPENSION,</u> PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (MAR 1996)

- (a)(1) The Offeror certifies, to the best of its knowledge and belief, that--
- (i) The Offeror and/or any of its Principals--
- (A) Are [] are not [] presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
- (B) Have [] have not [], within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
- (C) Are $[\]$ are not $[\]$ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.
- (ii) The Offeror has [] has not [], within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
- (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity

(e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

- (b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.
- (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.
- (a) Contractor Identification Number, as used in this provision means "Data Universal Numbering System (DUNS) number," which is a nine-digit number assigned by Dun and Bradstreet Information Services.
- (b) Contractor identification is essential for complying with statutory contract reporting requirements. Therefore, the offeror is requested to enter, in the block with its name and address on the Standard Form 33 or similar document, the annotation "DUNS" followed by the DUNS number which identifies the offeror's name and address exactly as stated in the offer.
- (c) If the offeror does not have a DUNS number, it should contact DUN and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the offeror. For information on obtaining a DUNS number, the offeror should call Dun and Bradstreet at 1-800-333-0505. The offeror should be prepared to provide the following information:
 - (1) Company name
 - (2) Company address
 - (3) Company telephone number
 - (4) Line of business
 - (5) Chief executive officer/key manager
 - (6) Date the company was started

- (7) Number of people employed by the company
- (8) Company affiliation
- (d) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at http://www.dbisna.com/dbis/customer/custlist.htm. If the offeror is unable to locate a local service center it may send an e-mail to Dun and Bradstreet at globalinfo@dbisma.com.

K.6 <u>DFARS 252.209-7001, CERTIFICATION OR DISCLOSURE OF OWNERSHIP OR CONTROL BY THE GOVERNMENT OF TERRORIST COUNTRY (MAR 1998)</u>

- (a) Definitions. As used in this provision—
- (1) "Government of a terrorist country" includes the state and the government of a terrorist country, as well as any political subdivision, agency, or instrumentality thereof.
- (2) "Terrorist country" means a country determined by the Secretary of State, under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(i)(A)), to be a country the government of which has repeatedly provided support for acts of international terrorism. As of the date of this provision, terrorist countries include: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.
 - (3) "Significant interest" means—
- (i) Ownership of or beneficial interest in 5 percent or more of the firm's or subsidiary's securities. Beneficial interest includes holding 5 percent or more of any class of the firm's securities in "nominee shares," "street names," or some other method of holding securities that does not disclose the beneficial owner;
 - (ii) Holding a management position in the firm, such as a director or officer;
- (iii) Ability to control or influence the election, appointment, or tenure of directors or officers in the firm;
- (iv) Ownership of 10 percent or more of the assets of a firm such as equipment, buildings, real estate, or other tangible assets of the firm; or
 - (v) Holding 50 percent or more of the indebtedness of a firm.
- (b) *Prohibition on award*. In accordance with 10 U.S.C. 2327, no contract may be awarded to a firm or a subsidiary of a firm if the government of a terrorist country has a significant interest in the firm or subsidiary or, in the case of a subsidiary, the firm that owns the subsidiary, unless a waiver is granted by the Secretary of Defense.
- (c) *Disclosure*. If the government of a terrorist country has a significant interest in the Offeror or a subsidiary of the Offeror, the Offeror shall disclose such interest in an attachment to its offer. If the Offeror is a subsidiary, it shall also disclose any significant interest the government of a terrorist country has in any firm that owns or controls the subsidiary. The disclosure shall include—
 - (1) Identification of each government holding a significant interest; and
 - (2) A description of the significant interest held by each government.

K.7 <u>DFARS 252.209-7003, COMPLIANCE WITH VETERANS' EMPLOYMENT</u> REPORTING REQUIREMENTS (MAR 1998)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS-100 report required by Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has submitted the most recent report required by 38 U.S.C. 4212(d).

K.8 FAR 52.215-6, PLACE OF PERFORMANCE (OCT 1997)

- (a) The offeror or respondent, in the performance of any contract resulting from this solicitation, [] intends, [] does not intend [check applicable block] to use one or more plants or facilities located at a different address from the address of the offeror or respondent as indicated in this proposal or response to request for information.
- (b) If the offeror or respondent checks "intends" in paragraph (a) of this provision, it shall insert in the following spaces the required information:

Place of Performance Name and Address of Owner					
(Street Address, City, and Operato	or of the Plant				
State, County, Zip Code) or Facility if Other than					
Offeror or Respondent					
-					

K.9 FAR 52.215-19, PERIOD FOR ACCEPTANCE OF OFFER (APR 1984)

In compliance with the solicitation, the offeror agrees, if this offer is accepted within 180 calendar days from the date specified in the solicitation for receipt of offers, to furnish any or all items on which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified in the Schedule.

K.10 FAR 52.219-1, SMALL BUSINESS PROGRAM REPRESENTATIONS (OCT 1998)

(a)(1) The standard industrial classification (SIC) code for this acquisition is 8744.

- (2) The small business size standard is \$20,000,000.
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.
- (b) Representations. (1) The offeror represents as part of its offer that it [] is, [] is not a small business concern.
- (2) (Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents, for general statistical purposes, that it [] is, [] is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.
- (3) (Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it [] is, [] is not a women-owned small business concern.
- (c) Definitions.

"Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Woman-owned small business concern," as used in this provision, means a small business concern--

- (1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.
- (d) Notice. (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.
- (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall--
- (i) Be punished by imposition of fine, imprisonment, or both;

- (ii) Be subject to administrative remedies, including suspension and debarment; and
- (iii) Be ineligible for participation in programs conducted under the authority of the Act.

(End of provision)

Alternate I (Oct 1998). As prescribed in 19.307(a)(1), add the following paragraph (b)(4) to the basic provision:

basic provision:
(4) (Complete if offeror represented itself as disadvantaged in paragraph (b)(2) of this provision) [The offeror shall check the category in which its ownership falls]:
Black American.
Hispanic American.
Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).
Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).
Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).
Individual/concern, other than one of the preceding.
(End of provision)
Alternate II (Jan 1999). As prescribed in 19.307(a)(3), add the following paragraph (b)(5) to the basic provision:
(5) [Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The
offeror represents, as part of its offer, that

(i) It [] is, [] is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone

Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control,

principal place of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business

Administration	in	accordance	with	13	CFR	part	126;	and
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the rep (b)(5)(i are par venture concern HUBZ	resen i) of t ticipa e. [Th ns tha one s	tation in paragraph this provision is accurating in the joint ne offeror shall enter that are participating in	are that complies with the requirements of 13 CFR part 126, and atte for the HUBZone small business concern or concerns that the name or names of the HUBZone small business concern or the joint venture:] Each a participating in the joint venture shall submit a separate signed tion.			
K.11		FAR 52.219-19, SMALL BUSINESS CONCERN REPRESENTATION FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (JAN 1997)				
	(a)	Definition.				
		0 0	siness", as used in this solicitation, means a small business concern cent of the numerical size standard applicable to the standard industrial tracting opportunity.			
a small	(b) busin		Offeror has represented itself under the provision at FAR 52.219-1 as ize standards of this solicitation.)			
small b		_	certifies as part of its offer that it is, is not an emerging			
its size	(c) range	-	Offeror is a small business or an emerging small business, indicating			
last thre	tion is ee (3)	s expressed in terms of i	ees for the past 12 months (check this column if size standard stated in number of employees) or Offeror's average annual gross revenue for the column if size standard stated in solicitation is expressed in terms of following.)			
		No. of Employees	Average Annual Gross Revenue			
		50 or fewer 51 - 100 101 - 250 251 - 500 501 - 750 751 - 1000 Over 1,000	\$1 million or less \$1,000,001 - \$2 million \$2,000,001 - \$3.5 million \$3,500,001 - \$5 million \$5,000,001 - \$10 million \$10,000,001 - \$17 million Over \$17 million			

K.12 FAR 52.222-21, PROHIBITION OF SEGRAGATED FACILITIES (FEB 1999)

- (a) "Segregated facilities," as used in this clause, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin because of written or oral policies or employee custom. The term does not include separate or single-user rest rooms or necessary dressing or sleeping areas provided to assure privacy between the sexes.
- (b) The Contractor agrees that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Contractor agrees that a breach of this clause is a violation of the Equal Opportunity clause in this contract.
- (c) The Contractor shall include this clause in every subcontract and purchase order that is subject to the Equal Opportunity clause of this contract.

to the Equal opportunity character of the Contract
K.13` FAR 52.222-22, PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)
The offeror represents that
(a) It [] has, [] has not participated in a previous contract or subcontract subject the Equal Opportunity clause of this solicitation;
(b) It [] has, [] has not filed all required compliance reports; and
(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.
K.14 FAR 52.222-25, AFFIRMATIVE ACTION COMPLIANCE (APR 1984)
The Offeror represents that (a) it has developed and had on file, has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (b) it has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.
K.15 FAR 52.223-1, CLEAN AIR AND WATER CERTIFICATION (APR 1984)
The Offeror certifies that
(a) Any facility to be used in the performance of this proposed Contract is, is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities;

- (b) The Offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of EPA, indicating that any facility that the Offeror proposes to use for the performance of the Contract is under consideration to be listed on the EPA List of Violating Facilities; and
- (c) The Offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

K.16 Y2K COMPLIANCE CERTIFICATION

1. All equipment, property, and computer controlled facility components purchased or	
maintained under Solicitation N62474-99-R-6062 that directly or indirectly affects government	
operations are Y2K compliant. (If necessary, you should contact your vendors or suppliers for	
determinations of Y2K compliance).	
Yes No	
Note: Computer controlled facility components refers to software driven technology and embedded microchip technology. This includes, but is not limited to, telecommunications switches, programmable thermostats, HVAC controllers, elevator controllers, utility monitoring and control system, fire detection and suppression systems, alarms, security systems, traffic signals and other facilities control systems utilizing microcomputer, minicomputer or programmable logic equipment.	
2. Services being provided under this solicitation by our firm will not be interrupted or affected by Y2K compliance problems internal to the contractor's business.	
Yes No	
3. If the answer to paragraph 1 or 2 is no, please explain why below. If the effected system is determined to be a mission critical system, (i.e. fire alarm, fire suppression or effect health and safety) also list the system below and provide a contingency plan on how you plan to deal with an anticipated emergency and suggest possible alternate or back-ups to the system. Add additional pages as necessary. You may reproduce this form.	Ļ
Aud auditional pages as necessary. Tou may reproduce this form.	

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Signature of Corporate Official

<u>Date</u>